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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-seventh session

SUMMARY RECORD OF THE SECOND PART* OF THE 1125th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 17 August 1995, at 6.40 p.m.

Chairman: Mr. GARVALOV

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* The summary record of the first part of the meeting appears as document CERD/C/SR.1125.

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The second part of the meeting was called to order at 6.40 p.m.

REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY AT ITS FIFTIETH SESSION UNDER ARTICLE 9, PARAGRAPH 2, OF THE CONVENTION (agenda item 10) (CERD/C/47/CRP.1 and Add.1, 2-3, 2/Part II, 9, 14, 25/Parts I and II, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35/Parts I and II, 36, 37, 38, 39, 40, 41 and 42-43; CERD/C/47/CRP.2 and Add.1-3)

Document CERD/C/47/CRP.1 - Chapter I: Organizational and related matters

1. Mr. BANTON, Rapporteur, introducing the draft report of the Committee, suggested that the Committee should consider each conference room paper individually. In document CERD/C/47/CRP.1 there would be minor drafting changes to paragraph 2, and paragraph 12 would be deleted entirely.

2. Mr. O'FLAHERTY (Secretary of the Committee) observed that paragraph 2 was the most appropriate place in the substantive part of the report in which to mention that the list of States which had accepted the funding amendment to article 8 of the Convention would appear in an annex.

3. Document CERD/C/47/CRP.1, as amended, was adopted.

Documents CERD/C/47/CRP.1/Add.2-3 and Add.2/Part II - Chapter II: Prevention of racial discrimination, including early warning and urgent procedures

4. Mr. BANTON, Rapporteur, pointed out that document CERD/C/47/CRP.1/Add.2/Part II comprised one paragraph, which constituted a replacement for paragraph 5 in document CERD/C/47/CRP.1/Add.2-3.

5. Mr. DIACONU asked whether paragraphs 2-4 were necessary, as they repeated language adopted at the forty-second session of the Committee.

6. Mr. BANTON, Rapporteur, replied that a time might come when that text was not necessary, but the Committee could not assume that all readers of the report would fully understand the urgent procedures referred to in chapter II. Since they were still relatively new procedures, a reminder did no harm.

7. Mr. O'FLAHERTY (Secretary of the Committee) observed said that the purpose of the paragraphs was to clarify the reasoning behind the Committee's decisions and actions. They were simply descriptive, to give sense to what followed.

8. Mr. DIACONU said that it was not clear from the text what aspects of the discussion on prevention of racial discrimination, including early warning and urgent procedures, remained for the Committee's next session. He asked if the Committee should take into account individual decisions on each country in order to see whether they were still under a given procedure or not.

9. Mr. BANTON, Rapporteur, said the Committee had a procedure for bringing States into that arrangement for review purposes, but not for taking them out. The Committee should come to some general procedural agreement about the circumstances in which it would remove States from that chapter of the report, which mentioned all the States covered by the procedure.

10. Documents CERD/C/47/CRP.1/Add.2-3 and Add.2/Part II were adopted.

Document CERD/C/47/CRP.1/Add.9 - Chapter II: Prevention of racial discrimination, including early warning and urgent procedures (Algeria)

11. Document CERD/C/47/CRP.1/Add.9 was adopted.

Document CERD/C/47/CRP.1/Add.14 - Chapter II: Prevention of racial discrimination, including early warning and urgent procedures (Papua New Guinea)

12. Mr. BANTON, Rapporteur, said that since the Committee had reached a decision on Papua New Guinea, the text - which simply explained how the Committee had come to adopt that decision - would have to be moved to the appropriate part of the report.

13. Mr. O'FLAHERTY (Secretary of the Committee) said that the actual decision adopted by the Committee on Papua New Guinea, and not the text contained in document CERD/C/47/CRP.1/Add.14, was what would appear in the report.

14. It was so agreed.

Document CERD/C/47/CRP.1/Add.25/Part I - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Trinidad and Tobago, Cyprus, Italy, Sri Lanka, Croatia)

15. Mr. BANTON, Rapporteur, invited the Committee to adopt the recommendation of the Bureau that in future years the section of the report dealing with consideration of State party reports should not include summaries of the debates. First of all, the summary records were being processed much more quickly than in the past and provided a fuller account of the discussion than had been possible in the summaries. Secondly, there had sometimes been an overlap between the summaries and the concluding observations. Thirdly, all the other human rights treaty bodies had stopped including summaries in their reports. And fourthly, there were problems in the preparation of summaries, which involved obtaining inputs from a number of sources and making them consistent.

16. Mr. SHAHI asked whether future reports would include the salient points of the periodic reports as well as the statements by States parties, or only the concluding observations.

17. Mr. BANTON, Rapporteur, replied that summaries of statements by States parties would be contained only in the summary records. Under the proposed new procedure, the section of the Committee's report on State party reports would begin by referring to the documents submitted and the date on which they had been considered by the Committee, and would then set out the concluding observations.

18. Mr. van BOVEN agreed with the proposed new procedure. In giving models or examples, the Committee should also look at the reports of other treaty bodies.

19. Mrs. KLEIN-BIDMON (Representative of the Secretary-General) observed that the four other treaty bodies had already done away with all summaries of their

consideration of State party reports. Models of those bodies' reports, along with their concluding observations, could be made available.

20. Mr. BANTON, Rapporteur, said that in paragraph 30 relating to Cyprus, the words "now only occupied 63 per cent" should be replaced by "was now restricted to 63 per cent".

21. Mr. AHMADU considered that the Committee's report should refer to the countries under consideration by their full official names, such as "United Republic of Tanzania" or "Republic of Cyprus".

22. It was so decided.

23. Document CERD/C/47/CRP.1/Add.25/Part I, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.25/Part II - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Peru, Bosnia and Herzegovina, Federal Republic of Yugoslavia (Serbia and Montenegro), Romania, Guatemala)

24. Mr. YUTZIS, referring to the section concerning Guatemala, proposed an amendment to paragraph 106, which, in his view, was not acceptable as currently drafted because some of the questions raised by Committee members were not mentioned. The following new text should be added after the third sentence:

> "Some members of the Committee asked about the widespread use of forcible recruitment of indigenous people for military service and about serious violations by the army against the indigenous population, including summary executions and other cruel and degrading treatment. Some members also asked about the situation of indigenous refugees, returnees, communities in resistance and the so-called 'lost communities'."

In the fourth sentence, the words "In this regard" should be deleted.

25. The proposed amendments were adopted.

26. Document CERD/C/47/CRP.1/Add.25/Part II, as amended, was adopted, with the exception of the section relating to Romania.

Document CERD/C/47/CRP.1/Add.26 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Chad)

27. Mr. de GOUTTES proposed that, in the first sentence of paragraph 8, the words "reports of" should be inserted before the words "serious human rights violations". The first sentence of paragraph 10 should begin: "According to the sources mentioned in paragraph 8, ethnic minorities close to the seat of power ...". In paragraph 11, the words "Concerning the general part of the report" should be inserted at the beginning of the second sentence. The second sentence of paragraph 14 should begin "Some members", and not "The members", and the reference to "corrupt practices" should be deleted.

28. Document CERD/C/47/CRP.1/Add.26, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.27 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Belarus)

29. Mr. DIACONU proposed that, in the second sentence of paragraph 9, the words "They were surprised to note" should be replaced by "They noted".

30. It was so decided.

31. Document CERD/C/47/CRP.1/Add.27, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.28 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Mexico)

32. Mr. WOLFRUM said that the phrase "multi-ethnic nation" in paragraph 7 should be replaced by "multi-cultural nation", in keeping with the language used in the Mexican Constitution. No member of the Committee had said anything remotely resembling the language used in the third sentence of paragraph 8, which was meant to refer to the fact that certain indigenous customs were perhaps taken into account. None the less, that had nothing to do with equality before the law. The words "whose ambitious aims represented to some extent a break with the principle of the equality of all before the law and were based on a will to ensure" should be replaced by "which will allow indigenous customs to be taken into account in court proceedings. It was felt that this would also improve ...".

33. Regarding the fourth sentence of paragraph 9, he could not understand how the precise figures on disciplinary measures taken against officials could be a "valuable indicator" of the Government's political will. The sentence should be deleted.

34. Mr. YUTZIS said that the reference to Mexico's cultural heritage in the second sentence of paragraph 16 seemed inappropriate, sounding as if it was taken from a textbook. The sentence should be amended to read: "It was felt that, since Mexico's cultural heritage was unique, it should be cultivated, developed and made widely known."

35. It was so decided.

36. Document CERD/C/47/CRP.1/Add.28, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.29 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (New Zealand)

37. Document CERD/C/47/CRP.1/Add.29 was adopted.

Document CERD/C/47/CRP.1/Add.30 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (El Salvador)

38. Mr. WOLFRUM suggested that in paragraph 6 the words "Members expressed concern at the report's brevity" should be replaced by "Members expressed concern that the report was incomplete", as brevity could be a positive

element. The phrase at the end of the fifth sentence - "particularly in the case of women" - should be deleted, as he could not recall a Committee member referring specifically to women in that context.

39. It was so decided.

40. Mr. de GOUTTES said that, as at every session of the Committee, several parts of the report were available in English only; he was therefore compelled to reiterate his express reservations on that question in relation to those countries for which a French text was not available. He welcomed the effort being made by the secretariat but asked it to try even harder.

41. Document CERD/C/47/CRP.1/Add.30, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.31 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Nicaragua)

42. Mr. van BOVEN proposed that the word "highly" should be deleted from the first sentence of paragraph 8.

43. It was so decided.

44. Document CERD/C/47/CRP.1/Add.31, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.32 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (United Arab Emirates)

45. Mr. DIACONU proposed that the words "socio-economic characteristics" in the third sentence of paragraph 6 should be replaced by "socio-economic situation".

46. Document CERD/C/47/CRP.1/Add.32, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.33 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Nigeria)

47. Document CERD/C/47/CRP.1/Add.33, was adopted.

Document CERD/C/47/CRP.1/Add.34 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (United Republic of Tanzania)

48. Mr. O'FLAHERTY (Secretary of the Committee) said that the part of the report relating to the United Republic of Tanzania would be replaced by a version reflecting the agreement reached by the Committee.

Document CERD/C/47/CRP.1/Add.35/Part I - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Sierra Leone)

49. Document CERD/C/47/CRP.1/Add.35/Part I was adopted.

Document CERD/C/47/CRP.1/Add.35/Part II - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Somalia)

50. Document CERD/C/47/CRP.1/Add.35/Part II was adopted.

Document CERD/C/47/CRP.1/Add.36 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Madagascar)

51. Document CERD/C/47/CRP.1/Add.36 was adopted.

Document CERD/C/47/CRP.1/Add.37 - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Statement concerning Israel adopted by the Committee at its forty-sixth session)

52. Mr. O'FLAHERTY (Secretary of the Committee) said that the section of the report relating to Israel had an unusual format in that it was the text adopted by the Committee at the forty-sixth session regarding material received from Israel. It appeared under the present section of the report because it seemed the most logical place, given that it dealt with reports submitted under article 9.

53. Mr. van BOVEN proposed that the statements made in paragraph 2 should be included in a reply by the Committee to the note verbale from the Permanent Mission of Israel, as that was their purpose.

54. The CHAIRMAN suggested that the report should be worded on the following lines: "In reply, the Committee sent a letter containing the following elements".

55. It was so decided.

56. Mr. AHMADU asked what further action the Committee intended to take, given that the State party had still not submitted its report at the current session. Should it discuss Israel at its next session because its report was already overdue?

57. The CHAIRMAN observed that the Committee had earlier adopted a chapter of the report in which it said that a number of States parties, including Israel, were subject to various procedures. Obviously, the case of Israel remained before it, and at its next session it could revert to that country and consider what action to take if there was still no report by then.

58. Mr. BANTON, Rapporteur, pointed out that the Committee had already expressed the view that a more systematic review of all States under the urgent procedure was needed.

59. Document CERD/C/47/CRP.1/Add.37, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.38 - Chapter IV: Consideration of communications under article 14 of the Convention

60. Document CERD/C/47/CRP.1/Add.38 was adopted.

Document CERD/C/47/CRP.1/Add.39 - Chapter V: Consideration of copies of petitions, copies of reports and other information relating to trust and non-self-governing territories and to all other territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

61. Document CERD/C/47/CRP.1/Add.39 was adopted.

Document CERD/C/47/CRP.1/Add.40 - Chapter VI: Action by the General Assembly at its forty-ninth session

62. Document CERD/C/47/CRP.1/Add.40 was adopted.

Document CERD/C/47/CRP.1/Add.41 - Chapter VII: Submission of reports by States parties under article 9 of the Convention

63. Mr. VALENCIA RODRIGUEZ proposed that in section C of the text the following new paragraph on Venezuela should be added after the third paragraph: "The representative of Venezuela attended the _____ meeting held on _____ in order to deliver his country's tenth report and offered to transmit a supplementary report".

64. Mr. DIACONU said that the latest reports of Bolivia, Denmark, Zaire, Zimbabwe and the United Kingdom should be added to table 1.

65. Mr. BANTON, Rapporteur, said that the United Kingdom was in fact listed in table 1, whereas Venezuela was not yet listed because its report had only just been received. While the report should certainly mention the appearance before the Committee of the representative of Venezuela, it should be referred to in the context of the first-round reviews, and not the second-round reviews.

66. It was so decided.

67. Document CERD/C/47/CRP.1/Add.41, as amended, was adopted.

Document CERD/C/47/CRP.1/Add.42-43 - Chapter VIII: Third Decade to Combat Racism and Racial Discrimination

68. Mr. WOLFRUM suggested that in paragraph 4 the words "expressed a willingness to cooperate" should be replaced by "offered to cooperate".

69. The CHAIRMAN proposed the following wording: "Members offered to cooperate with the Special Rapporteur and sought his cooperation too".

70. Mr. van BOVEN proposed that the following new sentence should be added after the second sentence in paragraph 4: "Members recommended that the Special Rapporteur give priority attention to issues within his mandate in countries that have not yet ratified the Convention."

71. The amendments proposed by the Chairman and Mr. van Boven were adopted.

72. Document CERD/C/47/CRP.1/Add.42-43, as amended, was adopted.

Documents CERD/C/47/CRP.2 and Add.1-3

73. Mr. van BOVEN said that the reference to him in annex VI (CERD/C/47/CRP.2/Add.3) as the country rapporteur for the Federal Republic of Yugoslavia (Serbia and Montenegro) should be deleted as he had not held that position in 1995.

74. It was so decided.

75. Mr. O'FLAHERTY (Secretary of the Committee) stated that the decisions adopted by the Committee at its present session, including two which were not discussed in the form of conference room papers, would be included in the appropriate sections of the report.

76. Documents CERD/C/47/CRP.2 and Add.1-3, as amended, were adopted.

Document CERD/C/47/CRP.1/Add. 25/Part II - Chapter III: Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (Romania)

77. Mr. BANTON, Rapporteur, proposed that in paragraph 70 the words "three people's Advocates, one of whom" should be replaced by "a People's Advocate who". He asked the Secretary to check on the date of the events in Tîrgu-Mures referred to in paragraph 73, as there was an inconsistency between the French and English texts.

78. Mr. DIACONU said that the correct date was March 1990. The events had in fact taken place not between Gypsies and Hungarians, but between Romanians and Hungarians.

79. Mr. BANTON, Rapporteur, asked whether it was correct to state, as was done in paragraph 81, that, with regard to a possible law on national minorities, "the representatives explained that a bill on the Hungarian minority was before the Parliament".

80. Mr. DIACONU replied that while there was a draft law that had been proposed by the Hungarian minority, another draft law relating to the various national minorities was currently being considered by the Government. He proposed that the paragraph should end at that point, as what followed did not appear to have anything to do with that law, and the restitution of nationalized property was dealt with by another law.

81. Mr. BANTON, Rapporteur, suggested that "a bill on the Hungarian minority" should be replaced by "a bill proposed by the Hungarian minority", that "a

national minorities bill was under consideration" be replaced by "a national minorities bill was being considered by the Government", and that the rest of the sentence be deleted.

82. Mr. DIACONU said, by way of clarification, that he had not requested an amendment to the concluding observations but had wished to draw attention to the discrepancies between the draft report and the recommendation and between the information presented by the government representative and what the Committee had stated in its recommendations.

83. Regarding the agreement between Romania and Germany referred to in paragraph 86, the text mentioned Sinti and Roma, but the agreement actually referred to all Romanian citizens illegally residing in Germany and, on a reciprocal basis, to all German citizens illegally residing in Romania; what was involved was a transfer of citizens, not of Roma and Sinti.

84. As to the status of the Convention in Romanian law, as referred to in paragraph 96, the Government had provided a very clear reply to the effect that the Convention had priority over national law, but that was not acknowledged in the report; on the contrary, the Committee was again requesting information on the status of the Convention.

85. The section relating to Romania in document CERD/C/47/CRP.1/Add.25/Part II, as amended, was adopted.

The meeting rose at 8.30 p.m.